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Security Council

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1292 (2000) of 29 February 2000, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 May 2000 and requested me to provide an assessment of the situation before the end of that mandate. In that resolution, the Security Council supported my intention to ask my Personal Envoy, James A. Baker III, to consult the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute. The present report covers developments since my previous report to the Council, dated 17 February 2000 (S/2000/131).

II. Developments during the reporting period

A. Visit of the Personal Envoy of the Secretary-General to the region

2. Pursuant to Security Council resolution 1292 (2000), and following consultations with me, my Personal Envoy undertook a visit to the region from 8 to 11 April 2000, for preliminary discussions with the two parties and the two neighbouring countries. On arrival in Algiers on 8 April, Mr. Baker and his delegation were joined by my Special Representative for Western Sahara, William Eagleton. The former United States Assistant Secretary of State for International Organizations, John R. Bolton, participated in the mission of my Personal Envoy as his Deputy.

3. In Algiers, my Personal Envoy was received by the Minister of Justice of Algeria, Ahmed Ouyahia, and also met with the Prime Minister, Ahmed Benbitour, the Minister of the Interior, Yazid Zerhouni, the Chairman of the National Council of Algeria, Bachir Boumaza, and other senior government officials.

4. In the Tindouf area, on 9 April, my Personal Envoy met with the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz, the Frente POLISARIO Coordinator with MINURSO, M'hamed Khaddad, the Frente POLISARIO representatives in New York and in Washington, Ahmed Bukhari and Moulud Said, and other senior members of the Frente POLISARIO. He also met with the head of the observer delegation of the Organization of African Unity (OAU) to MINURSO, Yilma Tadesse.

5. In Rabat, on 10 April, my Personal Envoy was received by King Mohammed VI, and met with Crown Prince Moulay Rachid, the Prime Minister of Morocco, Abderrahmane Youssoufi, the Minister for Foreign Affairs and Cooperation, Mohamed Benaissa, the Minister of the Interior, Ahmed El Midaoui, the Secretary of State for the Interior, Ali Al Himma, the Moroccan Coordinator with MINURSO, Mohamed Loulitchki, the Permanent Representative of Morocco to the United Nations, Ahmed Snoussi, and other senior government officials.

6. Owing to illness, my Personal Envoy was not able to visit Nouakchott on 11 April, but discussed his mission with the President of Mauritania, Maaouya Ould Sid' Ahmed Taya, on the telephone.

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7. On his return from the region, on 12 April, my Personal Envoy undertook consultations with the Spanish and the French authorities in Madrid and in Paris.

8. I take this opportunity to express my appreciation to the Government of Spain, whose decision to make an aircraft available to my Personal Envoy greatly facilitated his visit to the region.

B. Meeting of the parties under the auspices of the Personal Envoy of the Secretary-General (London, 14 May 2000)

9. Following his preliminary contacts in the region, my Personal Envoy advised me that it would be necessary to convene a meeting between the parties in order to consider the problems in implementing the United Nations settlement plan (S/21360 and S/22464 and Corr.1) and the Houston agreements (S/1997/742, annexes I-III), as well as other possible approaches. I fully concurred with his views and, in letters dated 25 April 2000, invited the parties to hold high-level, face-to-face discussions in London on 14 May 2000, under the auspices of my Personal Envoy. In my letters, it was specified that the discussions would be private and that, as had been the case in the direct talks held under the auspices of my Personal Envoy in 1997, no issue would be considered as finally agreed until every outstanding issue had been agreed. In similar letters, I invited the two neighbouring countries, Algeria and Mauritania, to attend the London meeting as observers.

10. The meeting was held in London on 14 May 2000 as planned. The parties met in face-to-face discussions for the first time since the direct talks held under the auspices of my Personal Envoy in London, Lisbon and Houston in 1997. Algeria and Mauritania sent observer delegations to the meeting.

11. There was a frank exchange of views during the discussions; the meeting was however, inconclusive. At the close of the discussions, my Personal Envoy called on the parties to come forward, at a further meeting which might be held in June, with concrete solutions to the multiple problems of the settlement plan that the parties could agree to, or else be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

12. I wish to take this opportunity to express my appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for hosting those direct talks.

C. Appeals process

13. During the reporting period, my Special Representative pursued efforts aimed at finding ways and means to secure a smooth implementation of the settlement plan, in particular with regard to the start of the appeals process following the issuance of the second part of the provisional voter list on 17 January 2000. To that end, he met with the Minister for Foreign Affairs of Morocco at Rabat on 25 March 2000, and with the Frente POLISARIO Coordinator with MINURSO in the Tindouf area on 4 and 18 April. The Chairman of the Identification Commission of MINURSO, Eduardo Vetere, also met with the latter on 18 April.

14. The second round of the appeals process started when the second part of the provisional voter list, containing the names of individual applicants from tribal groupings H41, H61 and J51/52, was communicated by my Special Representative to the two parties on 17 January 2000. On 25 February, in accordance with the six-week period allotted, the Identification Commission closed the receipt of appeals at all its centres (in the Territory, in Morocco, in the Tindouf area of Algeria and in Mauritania). By then, MINURSO had received a total of 54,889 appeals from the second part of the provisional voter list. Preliminary analysis of these appeals shows that the overwhelming majority of appeals filed (53,327) are against exclusion from that list. Of these, 49,138 appeals are from appellants from Morocco and the Territory, most of whom intend to present at least one witness to support their claims. Most of the remaining 1,562 appeals, filed by 22 individuals, challenge the inclusion of applicants in the second provisional voter list for voter eligibility. More than two thirds of these challenges were submitted by persons residing in Morocco or in the Territory. The table contained in annex I to the present report shows the number of appeals by place of filing and broad category.

15. Five meetings of Identification Commission staff were held in Agadir to evaluate experience gained and to plan ahead. Mock sessions and simulation workshops were held at four appeal centres, in order to

test the procedures and modalities for the admissibility and hearing stage.

16. The Identification Commission expects to complete in June 2000 the necessary data-processing and analysis of the 79,000 files received from the first part of the provisional voter list, issued on 15 July 1999. Together with the 54,889 appeals received from the individual applicants of tribal groupings H41, H61 and J51/52, this brings to more than 130,000 the number of appeal files stored electronically by the Identification Commission's information system, which also contains some 244,000 identification files.

D. Military aspects

17. As at 16 May 2000, the strength of the military component of MINURSO stood at 230 all ranks (see annex II). Under the command of General Claude Buze (Belgium), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there has been no indication that either side intends to resume hostilities in the near future.

18. Progress continued in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the related exchange of detailed information. The Royal Moroccan Army and the Frente POLISARIO forces conducted a total of 21 operations for the disposal of explosives and ammunition during the reporting period.

E. Civilian police aspects

19. The current strength of the civilian police component of MINURSO stands at 80 civilian police officers, under the command of Inspector General Om Prakash Rathor (India). During the reporting period, the MINURSO civilian police officers continued to assist in the work of the Identification Commission, by ensuring the protection of files and sensitive materials at appeal centres.

F. Preparatory work for the repatriation of Saharan refugees

20. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close coordination and consultation with MINURSO, continued its preparatory work for the repatriation of Saharan refugees, as provided for under the settlement plan.

21. UNHCR continued the implementation of refugee pre-registration for the repatriation in Tindouf for those refugees who were away from the camps during the earlier registration phase. To date, 119,698 refugees (representing 18,751 family units) and their immediate family members have been pre-registered from the MINURSO provisional lists of voters since the exercise started in August 1997. The vast majority of the refugees continued to express their desire to return only to the Territory east of the berm, owing to fears for their personal safety and security. A joint World Food Programme/UNHCR food assessment mission was undertaken to Tindouf from 9 to 13 March 2000, to determine a new project of assistance and establish enhanced mechanisms for project coordination, reporting and evaluation.

22. Consultations by my Special Representative and UNHCR to initiate cross-border confidence-building measures, including family visits, could not overcome the parties' reservations to implementing such measures. In particular, the Frente POLISARIO continued to express concerns regarding security guarantees in the Territory west of the berm, as was confirmed by the refugees in the Tindouf camps who remained concerned for their own safety and security if they returned to that area.

III. Financial aspects

23. The General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of $52.1 million for the maintenance of MINURSO for the period from 1 July 1999 to 30 June 2000. With regard to the subsequent financial period, from 1 July 2000 to 30 June 2001, my proposed maintenance budget for the Mission amounts to $46.6 million (equivalent to a monthly rate of some $3.9 million), and has been submitted to the General Assembly for consideration during the second part of its resumed

fifty-fourth session. The Assembly action on the proposed budget is expected shortly. Therefore, should the Security Council approve my recommendation contained in paragraph 28 below with regard to the extension of the mandate of MINURSO, the cost of maintaining the Mission will be within the appropriation provided by the Assembly for MINURSO for the current financial period, 1999-2000, and the monthly rate proposed in my budget for the period 2000-2001.

24. As at 15 May 2000, unpaid assessed contributions to the Special Account for MINURSO amounted to $76.5 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,078.2 million.

IV. Observations and recommendations

25. Further to the recommendations and observations contained in my previous report (S/2000/131), and pursuant to Council resolution 1292 (2000), I asked my Personal Envoy to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute. I wish to thank Mr. Baker for pursuing his efforts to that end.

26. During his consultations with the parties and the neighbouring countries in the region from 8 to 11 April 2000 and in London on 14 May, my Personal Envoy stressed that the implementation of the settlement plan had been impeded year after year for the past nine years by fundamental differences between the parties over the interpretation of its main provisions, and that the prospects for holding the referendum were as distant as ever.

27. The meeting in London on 14 May was important in that it brought the parties together for face-to-face discussions for the first time since the direct talks conducted under the auspices of my Personal Envoy in 1997. Regrettably, however, the views expressed by the two parties only served to reinforce the United Nations assessment of their widely divergent positions, and neither side offered any constructive suggestions on the way forward. Under such circumstances, my Personal Envoy called on the parties to bring, to a further meeting which could be held in June 2000, specific solutions that could be agreed to, in order to resolve all outstanding settlement plan issues, or be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

28. It is my strong hope that, as requested by my Personal Envoy, the parties will come forward with concrete proposals at the proposed meeting. Given the difficulties over the years in bridging their recurrent differences, and the fact that no enforcement mechanism was envisaged in the settlement plan, it would be essential that the parties now offer specific and concrete solutions to the multiple problems relating to the implementation of the plan that can be agreed to or, alternatively, be prepared to consider other ways of achieving an early, durable and agreed resolution of their dispute over Western Sahara. In the meantime, I recommend that the Security Council extend the mandate of MINURSO for a period of two months, until 31 July 2000.

Annex I

Appeals received by area of filing and by category*

Location	*Against exclusion*	*Against inclusion*	*Total*	*Percentage*
Territory	12 650	272	12 922	23.5
Morocco	40 225	1 094	41 319	75.3
Tindouf	422	77	499	0.9
Mauritania	119	30	149	0.3
Total	**53 327**	**1 562**	**54 889**	**100.0**

* Following the issuance of the second part of the provisional voter list on 17 January 2000.

Annex II

United Nations Mission for the Referendum in Western Sahara: contributions as at 16 May 2000

	Military observers	*Troops*	*Civilian police observers*	*Total*
Argentina	1	-	-	1
Austria	4	-	-	4*
Bangladesh	6	-	-	6
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	10	23
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Hungary	3	-	3	6
Ireland	6	-	-	6
India	-	-	10	10
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	10	23
Nigeria	5	-	10	15
Norway	-	-	2	2
Pakistan	6	-	9	15
Poland	4	-	-	4
Portugal	5	-	9	14
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Senegal	-	-	6	6
Sweden	-	-	10	10
United States of America	15	-	-	15
Uruguay	13	-	-	13
Total	**203**	**27**	**80**	**310**

* In addition to the Force Commander.

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